

PUBLIC WORKS

AND

PUBLIC TRANSPORTATION COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Public Works and Public Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, **December 14, 2004.**

MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman

Legislator Dan Losquadro • Vice•Chairman

Legislator Angie Carpenter

Legislator John Kennedy

Legislator Brian Foley

Legislator Bill Lindsay

Legislator Ricardo Montano

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature

Jim Spero • Budget Review Office

Kevin Duffy • Budget Review Office

Charles Bartha • Commissioner • DPW

Ben Wright • Sanitation Department • DPW

Leslie Mitchel • Deputy Commissioner • DPW

Alexandra Sullivan • Chief Deputy Clerk • Legislature

Bill Faulk • Aide to P.O. Caracappa

Ben Zwirn • County Exec's Office

Maria Ammirati • Aide to Chairman O'Leary

Tedd Godek • Suffolk County Architect

Laura Ahearn • Parents for Megan's law

All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 3:55 P.M.*)

CHAIRMAN O'LEARY:

Okay. I'd like to call the meeting to order. We'll begin the meeting with the Pledge of Allegiance led by Legislator Lindsay.

SALUTATION

CHAIRMAN O'LEARY:

I'm sorry, and I apologize for the delay in starting this meeting. However, those of you who were in attendance from three o'clock on realize we had an issue to be dealt with in Public Safety. But now that that's over, I'll try to move this along as quickly as possible. I only have

one card, Laura Ahearn. Hi, Laura.

MS. AHEARN:

Hi. Good afternoon. My name is Laura Ahearn, I'm the Executive Director of Megan's Law. I'm here today in support of IR 2060. If passed, this law would prevent those convicted of six crimes against children, those convicted of controlled •• selling controlled substances to minors, those convicted of any violent offense against a minor any will not be able to qualify for certification to be operating a street vending vehicle, translated means somebody who has the ability to put themselves in a position where they can access children; an ice cream man.

The catalyst to this came under the Gaffney Administration where we had a convicted sex offender on the East End who had been convicted of sex crimes against children and had an ice cream truck in his backyard. So clearly it's a child magnet, and we want to prevent anybody who's convicted of crimes against children from being able to access victims.

CHAIRMAN O'LEARY:

Thank you, Laura. So, in effect, this resolution will prevent various levels •• One as well?

MS. AHEARN:

Everyone. Anyone convicted of a sex a crime.

CHAIRMAN O'LEARY:

Ones, Twos and Threes, for getting employed as an ice cream driver •• vendor.

MS. AHEARN:

Exactly. And also anybody •• this Bill added new language, helper. So anybody who's on the truck as well would also have to be certified by the Commissioner of Public Works.

CHAIRMAN O'LEARY:

Okay. Thank you very much. Any questions? Thank you, Laura. Commissioner Bartha, if you will.

COMMISSIONER BARTHA:

Good afternoon.

CHAIRMAN O'LEARY:

Good afternoon, Charlie. Any questions from the committee members with respect to any projects or concerns they have for DPW? I have one. The •• it was just recently brought to my attention, Commissioner, on the visitors booth at William Floyd Parkway entrance to the Smith Point County Park that there was some •• sometime ago there was an appropriation made for the purposes of renovating that building.

COMMISSIONER BARTHA:

Right.

CHAIRMAN O'LEARY:

Toll, t•o•l•l.

COMMISSIONER BARTHA:

Right. The Toll toll building.

CHAIRMAN O'LEARY:

And it was recently brought to my attention that that, in fact, has not been completed or accomplished. Are you aware of that?

COMMISSIONER BARTHA:

I'm not familiar with the schedule for that right now. Tedd Godek is here. He might be able to respond to that.

MR. GODEK:

That project did, in fact, occur, and I believe it's been complete probably for about a year or so. It's been brought to my attention fairly recently that there are some punch list items that

remain, small items that have to be either completed or repaired, and we're looking at completing those.

CHAIRMAN O'LEARY:

Correct me if I'm wrong. Was the appropriation \$200,000?

MR. GODEK:

I believe it was, yes.

CHAIRMAN O'LEARY:

All right. And the work that was completed was it exterior or internal as well?

MR. GODEK:

Both exterior and interior.

CHAIRMAN O'LEARY:

Interior?

MR. GODEK:

Yes.

CHAIRMAN O'LEARY:

Well, after this was brought to my attention, I made a personal visit to this particular structure and took a look at it. And if it's your opinion that this is a completed project, we are going to have difference of opinions with respect to what's completed and what's not. A punch list is one thing, but I think there are some changes that have to be made or completed before we go forward with this and say it's a completed project. Perhaps you can send somebody down to that location just to inspect it to see if it passes muster with respect to the specs that were offered in the work plan.

MR. GODEK:

Actually, I'll go out there myself and check personally.

CHAIRMAN O'LEARY:

All right. If it's just punch list •• I think you'll find that that's not the case.

MR. GODEK:

Okay.

CHAIRMAN O'LEARY:

There are some matters that should be brought to your office's attention for completion.

MR. GODEK:

Thank you.

CHAIRMAN O'LEARY:

All right. Thank you. Any other issues? Legislator Lindsay.

LEG. LINDSAY:

First, I'd like the Commissioner to comment on the one about the street vendors. You guys are going to enforce that, do you have any problems with the enforcement on that?

COMMISSIONER BARTHA:

No. We support that. That will be part of our vendor training and testing before we issue a certificate for them to be able to take to the take to get a license. We certainly support that.

LEG. LINDSAY:

That's one. Second item, Raynor Park is started?

COMMISSIONER BARTHA:

Yes. Raynor is full speed ahead.

MR. GODEK:

Raynor Park has commenced, and we're working towards completing that thing as quickly as possible.

LEG. LINDSAY:

Wonderful. And the third thing is that I know we are in the design and planning stage for, you know, the biggest capital project we've seen in a long time, the jail. And I know you guys have been looking at other facilities around. And if there's anything close, you know, if it's all right •• especially with the Chairman of Safety, I for one would like to see some other facilities if you are touring other facilities so we can have an idea of what we're talking about as this project moves forward.

COMMISSIONER BARTHA:

A number of facilities have been visited already. There is •• we are talking about looking at additional ones with the Sheriff's people and our people. So we will certainly advise you, and you're welcome to attend.

LEG. LINDSAY:

Thank you.

LEG. FOLEY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. No questions today, but an accolade to the department. Recently, the Sixth District Court was reopened. It was fine work. I think it was about a two and a half million dollar job, thereabouts, Tedd. And it certainly is one of better public buildings we find in the County. And added to that, the Landscape architect, Ralph Borkowski, is working on some landscaping for the grounds. I just want to thank the department and particularly Tedd Godek or the job done there on Main Street. It really is a big improvement to what was there beforehand.

MR. GODEK:

Thank you.

CHAIRMAN O'LEARY:

Anybody else? I just have one more final item, Charlie, with respect to the Southwest Sewer District. There's been proposals, resolutions, recommitted to this committee. At the General Meeting, there was some lengthy discussion concerning the various projects that are outside of

the Southwest Sewer District boundaries. I explained to them •• to my colleagues, the full body, that you did make a report to us as well as the Health Committee with respect to the Southwest Sewer District and the 5900 parcels that you spoke that's been set aside for connection to the district was addressed as well as other matters.

One the concerns by the Legislators who represent the area, the boundary of District Three, is the proliferation of projects outside of the boundaries of that district and the capacity will be at full capacity if all of the pending projects are approved and moved forward for connection purposes, including, of course, the 5900 parcels that have been set aside for connection within the district itself, residential parcels.

Now, until such time as there is a clear understanding on the part of those Legislators who represent areas in the boundary of the Southwest Sewer District, I think perhaps it would behoove your office to try to provide to this body, this committee with a full copy to the full body, just what the status is of that particular district as far as capacity, as far as the probability that we might have to look at expanding it, and the reasoning behind •• the word used •• proliferation of projects outside the boundary of the district. The concern is that there's a need within the district for hook•ups that's not being addressed and perhaps some priority is given to areas outside of the district. You care to comment on that?

COMMISSIONER BARTHA:

Certainly, because there's a misconception, which I was hoping to allay at the last committee meeting when I made a presentation about Southwest Sewer District and capacity. We are working from a figure of 30 million gallons is what the plant was designed and capable of handling. We have set aside, as required by the state, a million and a half gallons as a cushion that we're not talking about using at all. And we still have the capability of handling the projects that have been brought to you as well as the projects that are presently pending before the agency that you haven't seen yet, major one being Heartland.

It's an absolute right of people and parcels within the district to be able to connect, and we have allocated sufficient flow for those parcels to be able to connect. We see it as a good environmental policy to consolidate the locations of treatment of sewage. We look not to proliferate a lot of small treatment plants, we look to bring properties into existing sewage treatment facilities, Southwest being the largest.

We also see the capacity, the underutilized capacity, at Bergen point as a real asset to the people in the district for which we charge connection fee for these parcels outside the district. Those are •• it's a one time fee, which has accommodated and allowed a lot of the capital projects and improvements to be made at Bergen point and other sewer districts where they have contracted out capacity without increasing the rates to the users. And we also •• you also spread the tax base, because each year, you have additional users of the plant that are contributing to the taxes. And the most efficient way, operationally, for a plant to operate is closest to its capacity with respect to manpower and power usage.

CHAIRMAN O'LEARY:

All right. And this will be a concern of the Legislators within the boundaries of the current Southwest Sewer District. It's your statement that there has been ample capacity set aside for all residences that are not currently connected to the Southwest Sewer District to be connected?

COMMISSIONER BARTHA:

Absolutely. We have an absolute requirement to do that. Ben Wright and I have been here for a number of years, and we actually had a problem that we inherited at some of the smaller sewer districts that were overcommitted early in our time with the County. And that is a major problem to have deal with. And having dealt with that once, we're not about to deal with that

again.

CHAIRMAN O'LEARY:

And finally, are there •• any is there any current work being performed with the district as it pertains to residential hook•ups?

COMMISSIONER BARTHA:

It's a very slow rate, a couple of connections a week is all that we experience now.

CHAIRMAN O'LEARY:

Okay.

COMMISSIONER BARTHA:

If I can add one other thing?

CHAIRMAN O'LEARY:

Sure.

COMMISSIONER BARTHA:

One of the resolutions that was recommitted, the 110 Sand and Gravel, it's a construction debris landfill up on Route 110, that up until a few years ago, the leachate from that facility was trucked to Bergen Point. We agreed through the Sewer Agency and the Legislature, allowed a connection, direct connection, for 55,000 gallons per day to be discharged into the Southwest Sewer District from this construction demolition landfill, which happens to have clear •• clean leachate. What this •• right now, they have more than that 55,000 gallons per day of leachate, so they truck it down, and we accept it at Bergen Point through the scavenger waste building. This restricts our ability to take in scavenger waste from elsewhere. So it's good business all around to approve this additional 15,000 gallons per day that's requested from the 100 Sand and Gravel.

CHAIRMAN O'LEARY:

Any questions from the committee?

LEG. LINDSAY:

Yes. On that same issue.

CHAIRMAN O'LEARY:

Legislator Lindsay.

LEG. LINDSAY:

Charlie, of the residents that are not hooked up within the district, are the main and feeder through all portions of the district?

COMMISSIONER BARTHA:

Installed?

LEG. LINDSAY:

Yes.

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

They are?

COMMISSIONER BARTHA:

Yes.

LEG. LINDSAY:

So really what's stopping them is the connection fee that would run pipe from main feeder line to the individual resident?

COMMISSIONER BARTHA:

Right. It's not a connection fee, it's what they would have to pay a contractor to do it. It's either that or it's parcels that are not developed. Realistically, if you own a home and you have a cesspool that's working, you're not going to spend the money to connect to the sewer district.

LEG. LINDSAY:

Do we •• of our of district considerations for hook•up, do we rate them in terms of economic impact of •• I don't know other factors •• I mean, like an environmental piece of land that we are going to buy? You know, Pat Zielenski in Real estate there rates different •• or someone rates them over there as which is the best property to buy. When we consider out of district connections, is there any way of rating them that one we should approve over another? Or when they get passed on to us, they're all coming forward with a recommendation to approve?

COMMISSIONER BARTHA:

They're coming forward with a recommendation that the district has the capacity to handle it.

LEG. LINDSAY:

Okay. But is that the only criteria?

COMMISSIONER BARTHA:

That's the only ••

LEG. LINDSAY:

You don't get into economic factors; how many jobs it's going to create if we allow this hook•up?

COMMISSIONER BARTHA:

We've been advised by the County Attorney's Office that the Sewer Agency cannot prioritize in that fashion.

LEG. LINDSAY:

I see. Okay. And you mentioned before about the Wolkoff piece. You know, I know I've seen the numbers on the connection fees there, huge, huge numbers. Would there be any consideration of using that revenue source as a way of expanding the facility?

COMMISSIONER BARTHA:

Absolutely.

LEG. LINDSAY:

Okay.

COMMISSIONER BARTHA:

Certainly be a consideration

LEG. LINDSAY:

Expand the facility

COMMISSIONER BARTHA:

Right.

LEG. LINDSAY:

Thank you.

CHAIRMAN O'LEARY:

Any other questions? Legislator Carpenter.

LEG. CARPENTER:

Do you know what the average price is for residents who hook•up now, what people are being charged, ballpark?

COMMISSIONER BARTHA:

Several years ago it was about \$1200, so I would think it would be maybe \$1500 now for the average house.

LEG. CARPENTER:

Really?

COMMISSIONER BARTHA:

Really. I can check on that certainly and let you know before the next meeting.

CHAIRMAN O'LEARY:

All right. Any other questions on this issue? Okay. Good. Commissioner, have you had an opportunity to review the agenda?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

Is there anything you want to bring to our attention before we get to it?

COMMISSIONER BARTHA:

No.

CHAIRMAN O'LEARY:

Nothing? Okay. Moving onto the agenda then.

TABLED RESOLUTIONS

**1898•04. Authorization of alteration of rates for the Fire Island Ferries, Inc.
(PRESIDING OFFICER)**

CHAIRMAN O'LEARY:

Public hearing was closed on 12/7.

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Carpenter, seconded by myself. On the question of the motion?

LEG. LINDSAY:

I'd like to see if Budget Review is fine with it.

MR. DUFFY:

In our report, we raised three issues. We discussed village discounts, we discussed that we felt the senior citizens should be raised only 10% to 5.50 rather than the 5.75 as the petitioner requested, and we had some concern about the not to exceed language that was in the lateral rates. As far as our questions about the village discounts, we were concerned because since 2001, the Ocean Beach lease which Fire island Ferry pays Ocean Beach to land there went from \$96,000 to \$225,312, 128% increase.

We were also concerned that the number of 40 trip ticket books had increased, and they •• the ticket book bought by Ocean Beach is \$68.15 less than what a person would pay buying from the ferry company. This results in approximately \$143,000 in lost revenue. We also had some concern about the Village of Saltaire. Their lease payment went from 41,250 to 13,000 •• I'm sorry, to 55,000. The amount of lost revenue that they received from their ticket books is they buy them at \$55,000 less than what individuals would pay.

Saltire, though, however, has a clause in its lease that holds its harmless. So if the Legislature were to raise or not allow the discount on the ticket books, the ferry company would be required to make the Village of Saltaire whole. Those were our concerns.

CHAIRMAN O'LEARY:

The question I have, Kevin, is the resolution before us, 1898, is it •• does it include the proposed recommendations you made or the initial recommendations or proposal of Fire island Ferries?

MR. DUFFY:

It's the proposal of the ferry company.

CHAIRMAN O'LEARY:

Okay. All right. Just by •• with respect to that particular issue, we have had an opportunity to sit down and discuss with various Fire Island Ferries people as well as various citizens who have brought this matter to our attention, and what I believe BRO is attempting to do is to equalize the increases to all parties across the board. And there's a sense from •• at least this Legislator that the increases, in attempting to do that, there was very large increases to various entities, particularly the residents of Fire Island, who would have some 35 •• 37% increases on their rates, is that an accurate assessment?

MR. DUFFY:

I believe if you are talking about the difference between our rates and the ferry companies rates, is that we had increased the amounts that Ocean Beach would pay, and we cut by 50 cents the adult round trip, which would equal out the revenue. But it's the decision of the Legislature, what they wish to do.

CHAIRMAN O'LEARY:

I understand that. But both proposals, the initial proposal of Fire Island Ferries as well as of recommendation of BRO, both have an 11% increase?

MR. DUFFY:

Correct.

CHAIRMAN O'LEARY:

Overall.

MR. DUFFY:

Overall, correct.

CHAIRMAN O'LEARY:

It's a question of who's going to bear the brunt of the increases.

MR. DUFFY:

Correct. And your attempt was to equalize it all the way down the board as opposed to Fire Island Ferries that didn't quite do that,

but ••

MR. DUFFY:

Right. Well, Fire Island Ferry was limited that they had entered into a lease with Ocean Beach and Saltaire that required that the bulk discounts were set at a certain level.

CHAIRMAN O'LEARY:

Right. But the other increase is to the residents of the County. I mean, my •• out on Fire Island, my understanding is that the increases passed on to them would have been in the high 20s and 30s.

MR. DUFFY:

There would be an increase.

CHAIRMAN O'LEARY:

Okay. All right. Any other questions on the motion to approve 1898?

LEG. CARPENTER:

I want to make a comment.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

Yeah. I know that the increases that were requested by the ferry company it's my understanding that Budget Review agreed with all of those increases, percentage of increases, felt it was justified, and the only issue was the issue of the discount books to the villages. And we heard testimony during public hearings and in committee last time from representatives of the various villages that they felt that this was equitable, that their residents are taxpayers that help provide some of the services that, you know, make it the tourist destination, whether it's the community center, the lifeguards on the beaches and so forth, their tax dollars are doing that, and that part of the agreement for the docking space over on Fire Island was these discount books. So even though no one likes to see an increase, you know, I'm supportive of this.

CHAIRMAN O'LEARY:

Any other questions on the motion? Hearing none, all those in favor? Opposed? Abstentions? Unanimous. **Approved. (VOTE:7•0•0•0).**

1992•04. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No •• 3 • Southwest with 270 South Service Road. (COUNTY EXECUTIVE)

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Foley, seconded by myself. On the question of the motion, to approve?
Hearing none, all those in favor? Opposed? Abstentions?

LEG. MONTANO:

Opposed. One opposed. Motion passes. **APPROVED. (VOTE:6•1•0•0)** (Opposed; Legis. Montano).

2060•04. Adopting Local Law No •• 2004, a Local Law to protect minors against drivers of street vending vehicles. (COUNTY EXEC).

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2060 passes. **APPROVED. (VOTE:7•0•0•0)**

2128•04. Authorization of alteration of rates for Davis Park Ferry Company. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

I need a motion to table. A public hearing has been set for 12/21, approved on 12/7. Motion to table by Legislator Carpenter, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? Motion passes. **Tabled. (VOTE:7•0•0•0)**

RECOMMITTED TO COMMITTEE

1592•04. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 110 Sand and Gravel.

CHAIRMAN O'LEARY:

On the recommitted to committee, 1592, we heard the Commissioner discuss the concern of the Legislators who are within the boundaries of the Southwest Sewer District, and I think it's been addressed. We have to bring this back to the full body that the connections that are slated to be made within the district have been set aside and committed to the residents that have not been connected within the Southwest Sewer District. And I would ask the committee to approve this and send this back to the full body.

LEG. CARPENTER:

On the motion.

CHAIRMAN O'LEARY:

On the motion.

LEG. CARPENTER:

I think it would be helpful if the Commissioner would be at the Legislature.

CHAIRMAN O'LEARY:

Yes.

LEG. CARPENTER:

Because the same thing is going to come up again, and they'll make a motion to table.

CHAIRMAN O'LEARY:

I would recommend that perhaps, Commissioner, you make an effort to be at the December 21st General Meeting when this issue will again be brought before the full body and you can probably report to them just as you have to us with respect to this issue that the concerns •• there are concerns that the utilization outside of the district will not •• if that comes to fruition, will not be able to fulfill the needs within the district itself. That is the concern.

COMMISSIONER BARTHA:

Okay. Thank you for that opportunity. Either myself or Ben Wright will certainly be there. If we could identify the time period, it would be most helpful.

CHAIRMAN O'LEARY:

This will be back on the agenda, so it will be some time after 11, I believe.

LEG. FOLEY:

Mr. Chairman.

CHAIRMAN O'LEARY:

I'm guessing. Legislator Foley.

LEG. FOLEY:

There is a time set aside for the County Executive's representatives, so he can speak at that time. The question I have is you have spoken to Legislator Mystal about this issue, correct?

COMMISSIONER BARTHA:

At the Health Committee meeting, yes.

LEG. FOLEY:

Right. Okay. What was particularly on his mind where the, let's say, unconnected areas within

the district, but he also had mentioned about Wyandanch community. Now, is Wyandanch part of the district or not part of the district?

COMMISSIONER BARTHA:

Wyandanch is not part of the district.

LEG. FOLEY:

All right. If it's not part of the district, have you done any determinations as to what the potential gallonage is of that community? And if so, how would that fit in with this million and a half set aside that you have for the homes within the district? In other words, could you do all the homes within the district and then also include this other area that Legislator Mystal wants to have reviewed as a possible connectee in the future?

COMMISSIONER BARTHA:

Well, when I made my presentation, Wyandanch, depending on what you define, what area you want to serve, could be anywhere from half million •• actually 600,000 gallons per day to 2.8 million gallons a day.

LEG. FOLEY:

So it's sizeable.

COMMISSIONER BARTHA:

Right. We don't have capacity •• the sewer district does not have the capacity to handle Wyandanch along with the other things that are before us. Legislator Mystal had asked that I advise him, and we are working on those figures now as to how much it would take to start the work of expansion. And to start the work of expansion, it would be to start the engineering. So we are reviewing what the engineering cost would be for that.

CHAIRMAN O'LEARY:

I have a question with respect to that. Being that they're not within the district, the boundaries of the district, the residents in Wyandanch would have to pay the connection fees and any other fees associated with hooking up to the Southwest Sewer District, would they not?

COMMISSIONER BARTHA:

That's correct.

CHAIRMAN O'LEARY:

Which is unlike those within the district who are currently paying tax on?

COMMISSIONER BARTHA:

Correct.

CHAIRMAN O'LEARY:

Any other questions on 1592 for approval? Hearing none, all those in favor? Opposed? Abstentions? **Approved. (VOTE:7•0•0•0).**

1963•04. Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the sanctuary at Ruland Road. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by myself, second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? Motion passed. **Approved. (VOTE:7•0•0•0)**

INTRODUCTORY RESOLUTIONS

2239•04. Amending Resolution No. 741•2004 for participation in engineering in connection with the reconstruction of CR 16, Portion Road/Horseblock Road, from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Foley, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **Approved. (VOTE:7•0•0•0).**

2241•04. Amending Resolution No. 919 of 2003 in connectin with the dredging of Napeague Harbor, Town of East Hampton. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Kennedy, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstain? **Approved. (VOTE:7•0•0•0).**

2243•04. Amending the 2004 Capital Budget and Program, and appropriating funds in connection with the County share for participation in the reconstruction of bridge on CR 83, North Ocean Avenue, over the Long Island Expressway, Town of Brookhaven.

(COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Lindsay •• motion by Legislator Foley, seconded by Legislator Lindsay. On the question? Hearing none, all those in favor? Opposed? 2243 is **APPROVED. (VOTE:7•0•0•0).**

2248•04. Transferring Assessment Stabilization Reserve Fund to the Capital Fund amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program and appropriating funds for the Flow Augmentation Needs Study at Suffolk County Sewer District No. 3 • Southwest. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Explanation.

COMMISSIONER BARTHA:

This is a lake that has been drying up over the last few years. What •• this would allow us to start some of the mitigation work, Ben, correct?

MR. WRIGHT:

Correct.

COMMISSIONER BARTHA:

It will allow us to start some of the mitigation work which basically means we'd be looking to install pumps to pump water back into the pond on a regular basis. Part of a study that was done years ago, maybe about ten or 15 years ago, funded by the County, but required by the EPA and DEC, so that would be prepared to take mitigation measures should groundwater depletion start to dry up the ponds and streams in the sewer district. This is •• so far, from our monitoring, we have not seen an impact on streams. This one lake, however, there does appear to be an impact.

CHAIRMAN O'LEARY:

Where is this exact location, Charlie?

LEG. CARPENTER:

It's in the 11th Legislative District. Okay? Enough said.

CHAIRMAN O'LEARY:

But that's a pretty big district.

LEG. CARPENTER:

Actually, it's on the boarder of Babylon and West Islip.

CHAIRMAN O'LEARY:

All right. Legislator Lindsay.

LEG. LINDSAY:

What causes the lake to dry up, Charlie, is it weather conditions or is there???

COMMISSIONER BARTHA:

What happens now, you have the Water Authority wells draw down the groundwater, and homes consume the water, and while they don't actually consume it, when they discharge it, it used to be discharged to cesspools, which would go back into the groundwater.

Now, you don't have that polluted water going into the groundwater. It's going out to ocean. So there is a net •• right now, there's over 20 million gallons a day coming from the Southwest Sewer District that's going out to the ocean. And it's a combination of weather with that that compounds the effect, but at this point, we believe that it's attributable to the sewer district work in this area.

CHAIRMAN O'LEARY:

Okay. Any other questions? There's a motion by Legislator Carpenter to approve, seconded by myself. On the question of 2248? Hearing none, all those in favor? Opposed? Abstentions? 2248 is **approved. (VOTE:7•0•0•0).**

2249•04. A resolution making certain findings and determinations upon proposal to form Suffolk county Sewer District No. 4 • Smithtown Galleria in the Town of Smithtown. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Kennedy, seconded by Legislator Losquadro. On the question of the motion?

LEG. FOLEY:

Explanation, Mr. Chairman.

COMMISSIONER BARTHA:

This is to form a sewer district from a treatment plant that was constructed relatively recently, it's in good operating order. We have prepared report to the Sewer Agency, and the recommendation is that we take over this district.

LEG. FOLEY:

This was formally a privately•run district?

COMMISSIONER BARTHA:

That's correct. And there was a public hearing. This is the findings resolution.

LEG. FOLEY:

And this is in Legislator Kennedy's district? This is in your district, John?

LEG. KENNEDY:

Yes.

LEG. FOLEY:

Residents are fine with it, there's no •• there's no real issues that were raised?

LEG. KENNEDY:

All the information that I've got on it is that there is support on the part of the group. And certainly the Commissioner and I have had an opportunity to go ahead and have a conversation about it as well, and he said that the normal course of discussion steps and everything have gone along without and incidents.

LEG. FOLEY:

Okay. Thank you.

CHAIRMAN O'LEARY:

Any other questions on 2249? We have a motion to approve. All those in favor? Opposed? Abstentions? 2249 is **approved. (VOTE:7•0•0•0).**

2251•04. Amending the 2004 Capital Program and Budget and appropriating funds for the acquisition of land for drainage improvements on CR 76, Townline Road, Towns of Islip and Smithtown. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by Legislator Kennedy, seconded by Legislator Carpenter. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2251 is **approved. (VOTE:7•0•0•0).**

2252•04. Appropriating funds in connection with the acquisition of land for the reconstruction of CR 16, Portion Road at CR 93, Rosevale Avenue/Gibbs Pond Road, Town of Smithtown. (COUNTY EXEC)

LEG. KENNEDY:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Kennedy, seconded by Legislator Carpenter. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2252 is **approved. (VOTE:7•0•0•0).**

2253•04. Amending the 2004 Capital Program and Budget and appropriating funds for the acquisition of land for the County share for the Westhampton Interim Storm Damage Protection Project, Town of Southampton. (COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2253 is **approved. (VOTE:7•0•0•0).**

2254•04. Amending the 2004 Capital Program and Budget and appropriating funds for the acquisition of land for the reconstruction of Deer Park Avenue East, CR 66, Town of Huntington. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2254 is **approved. (VOTE:7•0•0•0).**

2255•04. Appropriating start•up funds in connection with the reconstruction of CR 3, Pinelawn Road, Town of Huntington.

(COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2255 is **approved**. **(VOTE:7•0•0•0)**.

2256•04. Appropriating start•up funds in connection with the reconstruction of CR 16, Portion/Horseblock Road, Town of Brookhaven. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by myself, seconded by Legislator Foley. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2256 is **approved**. **(VOTE:7•0•0•0)**.

2257•04. Amending the 2004 capital budget and Program and appropriating funds for the acquisition of land for the reconstruction of CR 2, Straight Path, from Mount Avenue to NYS 231 and at Edison Avenue, Town of Babylon. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2257 is **approved**. **(VOTE:7•0•0•0)**.

2258•04. Appropriating funds in connection with the acquisition of lands for CR 7, Wicks Road Corridor, Town of Islip. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approve by Legislator Carpenter, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2258 is **approved**. **(VOTE:7•0•0•0)**.

2272•04. Appropriating start•up funds in connection with the acquisition of properties for safety improvements at the CR 80, Montauk Highway, Town of Southampton. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion by Legislator Foley, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2272 is **approved**. **(VOTE:7•0•0•0)**.

Is there anyone else wishing to address the committee? Yes. Commissioner Bartha.

COMMISSIONER BARTHA:

I would just like to •• on one of those sewer connections, the sanctuary at Ruland Road, that is a work force housing project, which would once connected, wind up paying a \$413,000 connection fee. It would provide 122 units. One hundred•twenty two units, \$413,000.

CHAIRMAN O'LEARY:

You're referring to 1963, which was recommitted, which is now being sent back to the full body?

COMMISSIONER BARTHA:

That's correct.

CHAIRMAN O'LEARY:

Okay. Any questions on that? Meeting stands adjourned.

(* THE MEETING WAS ADJOURNED AT 4:30 P.M.*)

_ _ DENOTES BEING SPELLED PHONETICALLY